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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211284
Party	Defendant Emmaus Medical, Inc.
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Submission	Motion to Amend Application
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MARIA CLEMENTINE MARTIN
KOSTERFRAU
VERTRIEBGESELLSCHAFT m.b.H.

Opposer

V.

EMMAUS MEDICAL, INC.,

Applicant

Opposition No.: 91211282

Mark: NOSIC

Serial No.: 85582108

Filed: March 28, 2012

Published: May 28, 2013

Atty Dkt No.: EM-502.00

**APPLICANT’S CONSENTED MOTION TO AMEND ITS APPLICATION
INCLUDING CONTINGENT WITHDRAWAL OF OPPOSITION**

Pursuant to 37 C.F.R. § 2.133 and Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 514.02, Applicant Emmaus Medical, Inc. (“Applicant”) hereby moves the Trademark Trial and Appeal Board (“the Board”) to permit Emmaus to amend and more narrowly define the identification of goods in Application Serial No. 85582108 (the “Application”). In particular, Applicant requests that the Board permit Emmaus to amend the existing identification of goods found in the Application by deleting the current description,

“Dietary and nutritional supplements; pharmaceutical preparations for the treatment of cardiovascular, central nervous system, endocrine, gastrointestinal, genetic immunological, infectious, inflammatory, menopausal, metabolic, autoimmune, musculoskeletal, neurological, ophthalmological, psychiatric, respiratory, urogenital, urological and viral diseases and disorders; pharmaceutical preparations for the treatment of erectile dysfunction, sexual dysfunction, cancer, pain and diabetes; pharmaceutical preparations for use in hematology; pharmaceutical preparations, namely, antifungal preparations, dermatological preparations, smoking cessation preparations, and tissue repair preparations; vaccines for human use”

and replacing it with the following identification of goods:

“Pharmaceutical preparations, namely, preparations including glutamine for use in hematology.”

In support of its Motion, Applicant states as follows:

1. On November 26, 2013, Applicant and Opposer entered into an agreement in which Opposer consented to the above requested amendment.
2. The agreement referenced in paragraph “1” above further provides that Opposer shall withdraw its Notice of Opposition in Opposition No. 91211282, without prejudice, contingent upon the TTAB granting this Motion to amend the identification of goods in the Application.
3. The amendment requested above is in conformity with the Trademark Rules, as it clarifies and limits the identification of goods rather than broadening the identification.

Based on the foregoing, Applicant respectfully requests that the Board grant Applicant’s present motion under 37 C.F.R. § 2.133 and amend the Application to include the substitute identification of goods set forth above.

This Motion is made with the express consent of the Opposer. In the event that the Board grants Applicant’s Motion, Opposer hereby withdraws its opposition.

MARIA CLEMENTINE MARTIN
KOSTERFRAU
VERTRIEBGESELLSCHAFT m. b. H.

EMMAUS MEDICAL, INC.

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